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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

[redacted]

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FILE: [redacted] Office: NEBRASKA SERVICE CENTER Date: APR 29 2009

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IN RE: Petitioner: [redacted]
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as an Alien of Extraordinary Ability Pursuant to Section 203(b)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(A)

ON BEHALF OF PETITIONER:

[redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of $585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Nebraska Service Center. The petition is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner seeks classification as an employment-based immigrant pursuant to section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A), as an alien of extraordinary ability in the arts. The director determined the petitioner had not established that the petitioner established that he sought entry into the United States as an alien of extraordinary ability in the sciences, arts, education, business, or athletics.

Section 203(b) of the Act states, in pertinent part, that:

> (1) Priority Workers. – Visas shall first be made available . . . to qualified immigrants who are aliens described in any of the following subparagraphs (A) through (C):
>
> > (A) Aliens with Extraordinary Ability. – An alien is described in this subparagraph if –
> >
> > > (i) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation,
> > >
> > > (ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability, and
> > >
> > > (iii) the alien's entry to the United States will substantially benefit prospectively the United States.

Counsel for the petitioner asserts that he does not wish to "rehash" the arguments and issues presented in the petition, and states:

> It is simply for the representatives of the United States Citizenship and Immigration Services to consider what the loss of [the petitioner's] services will mean: Loss of the resource for artistic expression through the use of dry stone masonry, whether one praises it as art or disparages and refuses to recognize by the insouciant use of terms such as those in the denial letter, "mere construction trade." By these lights, or lack thereof, architecture is no art but merely a construction trade. Furthermore, the insulting and denigrating comparisons in the denial letter beggar reasonable characterization.

Nonetheless, the petitioner submitted no documentation to establish that the trade of dry stone masonry, as practiced by the petitioner, falls within the category of "the arts." In response to the

director's request for evidence, the petitioner submitted letters from individuals who used the term "art" in discussing the petitioner's work. However, the petitioner submitted no documentation to establish that dry stone masonry is one of "the arts" as that term is contemplated by the Act. The documentation submitted by the petitioner describes the position of dry stone mason as a craft within the construction industry. A page from the website of the Dry Stone Conservancy (DSC) states:

> The Dry Stone Conservancy's Certifications Program, federally registered in 2001, is offered to promote public confidence in dry-laid masonry as a desirable building technique and in the skills of certified drystone masons. As a part of this goal, the Dry Stone Conservancy (DSC) conducts training courses to teach international drystone construction standards, and maintains a register of independent professional masons.

Thus, the petitioner's evidence reflects that a dry stone mason is a craft in the construction trade. The petitioner submitted no additional documentation on appeal that would rebut the director's determination that the work of a stone mason does not fall within any of the categories eligible for visa preference classification under section 203(b)(1)(A) of the Act (the Act).

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

> An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

The petitioner has failed to identify specifically any erroneous conclusion of law or a statement of fact in this proceeding; therefore, the appeal must be summarily dismissed.

ORDER: The appeal is summarily dismissed.